

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

MELISSA. PETTIGNANO,

Plaintiff,

v.

AMAZON.COM, INC.; APPLE, INC.;
BARNES AND NOBLE, INC;
GOOGLE, INC.; KOBO, INC.; and
SONY CORPORATION OF
AMERICA;

Defendants.

Cause No.

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

JURY TRIAL DEMANDED

Plaintiff Melissa Pettignano, by and through counsel, hereby complains of
Defendants as follows:

PARTIES

1. Ms. Pettignano is an individual residing in New Jersey.
2. Upon information and belief, Defendant Amazon.com, Inc. (“Amazon.com”) is a Delaware Corporation with a principle place of business in this judicial district at 410 Terry Ave N, Seattle, WA 98109-5210.

1 3. Upon information and belief, Amazon.com is engaged in the business of
2 providing retail Internet sales of various products, including books in both paper
3 and electronic (“e-book”) format, to customers throughout the world including
4 within this judicial district.

5 4. Upon information and belief, Defendant Apple, Inc. (“Apple”) is a
6 California Corporation with a principle place of business at 1 Infinite Loop,
7 Cupertino, CA 95014.

8 5. Upon information and belief, APPLE, INC., is engaged in the business of
9 providing retail Internet sales of various products, including books in both paper
10 and electronic (“ibook”) format, to customers throughout the world including
11 within this judicial district.
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13 6. Upon information and belief, Defendant BARNES AND NOBLE, INC.
14 (“Barnes and Noble”) is a Delaware Corporation with a principle place of
15 business at 122 Fifth Avenue, New York NY 10011.

16 7. Upon information and belief, Barnes and Noble is engaged in the business
17 of providing retail Internet sales of various products, including books in both
18 paper and electronic (“e-book”) format, to customers throughout the world
19 including within this judicial district.

20 8. Upon information and belief, Defendant GOOGLE, INC. (“Google”) is a
21 Delaware Corporation with a principle place of business at 1600 Amphitheatre
22 Parkway, Mountain View, CA 94043.

23 9. Upon information and belief, Google is engaged in the business of
24 providing retail Internet sales of various products, including books in both paper
25 and electronic (“e-book”) format, to customers throughout the world including
26 within this judicial district.
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1 10. Upon information and belief, Defendant KOBO, INC. (“Kobo”) is a
2 Canadian Corporation with a principle place of business at 135 Liberty St., Suite
3 10, Toronto, M6K 1A7 Canada.

4 11. Upon information and belief, Kobo is engaged in the business of
5 providing retail Internet sales of various products, including books in both paper
6 and electronic (“e-book”) format, to customers throughout the world including
7 within this judicial district.

8 12. Upon information and belief, Defendant SONY CORPORATION OF
9 AMERICA, (“Sony”) is a New York Corporation with a principle place of
10 business at 550 Madison Avenue, New York, NY 10022.

11 13. Upon information and belief, Sony is engaged in the business of
12 providing retail Internet sales of various products, including books in both paper
13 and electronic (“e-book”) format, to customers throughout the world including
14 within this judicial district.
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17 **JURISDICTION AND VENUE**

18 14. This action arises out of the U. S. Copyright Laws, 17 U.S.C. §501 et seq.

19 15. This Court has subject matter jurisdiction over the action pursuant to
20 17 U.S.C. § 501(a) and 28 U.S.C. § 1331.

21 16. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400
22 because the Defendant conducts business within this judicial district, they or
23 their agents or affiliates can be found in this judicial district, and acts giving rise
24 to this complaint are believed to have occurred within this judicial district.
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FACTS

17. Ms. Pettignano is a talented and recognized artist who is both an author and musician. She is a songwriter and has published works of both fiction and non-fiction.

18. Ms. Pettignano's talents have been recognized by many sources in the industry. For example, Ms. Pettignano has appeared several times in television, radio, and magazine interviews, such as CBS Radio, The Barry Z TV/Radio Show, The New Yorker TV Show with James Chladek, The Jo Shenman TV Show, and RAI TV Italian. Ms. Pettignano was interviewed for a show entitled: Bill O' Reily's: What's Happening Now on Fox News, which is awaiting a scheduled air date.

19. Ms. Pettignano has recently been recognized as one of the "50 Great Writers You Should Be Reading" by The Authors Show, and was featured in Entrepreneur Magazine discussing the impact of the 9-11 terrorist attacks on her work as an entrepreneur

20. One of Ms. Pettignano's books is entitled "Suzanne Lantana: A Collection of Short-Stories, Fiction and Non-Fiction" (hereafter referred to as "Suzanne Lantana"). As the name implies, "Suzanne Lantana" is a collection of short stories, both fiction and non-fiction, that demonstrate to young children all over the world that they can overcome any obstacles they face. The stories relate to Ms. Pettignano's real life experiences, as well as creative thinking on things that did not occur in her life. One story partially relates to Ms. Pettignano's true life experiences during the 9-11 terrorist attacks, in which she lost her aunt Arlene T. Babakitis.

21. Ms. Pettignano has filed multiple applications for copyright registration with the United States Copyright Office directed to her books. True and correct

1 copies of Ms. Pettignano's copyright registrations on Suzanne Lantana are
2 attached as Exhibit A.

3 22. Ms. Pettignano has licensed the rights to publish her book in print version
4 only, but explicitly withheld the rights to publish her book, Suzanne Lantana, in
5 electronic book ("e-book") format. Ms. Pettignano intentionally withheld that
6 authorization in order to maintain maximum control over the medium through
7 which she promotes her books.

8 23. Ms. Pettignano has never authorized any entity to publish an e-book
9 derivative of her work.

10 24. Each of the defendants in this action maintain websites or online stores
11 that are accessible by and available to users throughout the United States
12 including in this District.

13 25. Attached as Exhibit B is a true and correct copy of online advertising
14 provided by Defendant Amazon.com, Inc. in which Defendant Amazon.com,
15 Inc. makes available for distribution unauthorized e-book copies of Ms.
16 Pettignano's Suzanne Lantana book.

17 26. Attached as Exhibit C is a true and correct copy of online advertising
18 provided by Defendant Apple, Inc. in which Defendant Apple, Inc. makes
19 available for distribution unauthorized e-book copies of Ms. Pettignano's
20 Suzanne Lantana book.

21 27. Attached as Exhibit D is a true and correct copy of online advertising
22 provided by Defendant Sony Corporation of America in which Defendant Sony.
23 makes available for distribution unauthorized e-book copies of Ms. Pettignano's
24 Suzanne Lantana book.

25 28. Attached as Exhibit E is a true and correct copy of online advertising
26 provided by Defendant Barnes and Noble, Inc. in which Defendant Barnes and
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1 Noble makes available for distribution unauthorized e-book copies of Ms.
2 Pettignano's Suzanne Lantana book.

3 29. Attached as Exhibit F is a true and correct copy of online advertising
4 provided by Defendant Google, Inc. in which Defendant Google, Inc. makes
5 available for distribution unauthorized e-book copies of Ms. Pettignano's
6 Suzanne Lantana book.

7 30. Attached as Exhibit G is a true and correct copy of online advertising
8 provided by Defendant Kobo, Inc. in which Defendant Kobo, Inc. makes
9 available for distribution unauthorized e-book copies of Ms. Pettignano's
10 Suzanne Lantana book.

11 31. Each of the defendants has, without the permission of Ms. Pettignano,
12 copied, duplicated, and distributed unauthorized e-book copies of Ms.
13 Pettignano's copyrighted "Suzanne Lantana" book in violation of her exclusive
14 rights as a copyright owner.
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16 **CAUSES OF ACTION**

17 **COUNT I** 18 **COPYRIGHT INFRINGEMENT**

19 32. Ms. Pettignano incorporates the allegations made in paragraphs 1-31 as if
20 fully set forth herein.

21 33. Defendant has willfully committed copyright infringement under 17
22 U.S.C. § 501 *et. seq.*, directly, by inducement, or by way of contributory
23 liability, by knowingly aiding, causing, or committing, the unauthorized practice
24 or execution of one or more exclusive rights owned by Ms. Pettignano as set
25 forth in 17 U.S.C. § 106, said exclusive rights having been perfected by U.S.
26 Copyright Service Requests as identified in Attached Exhibit A.
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PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Melissa Pettignano, prays for the following relief:

- A. An order entering judgment in favor of Ms. Pettignano and awarding damages to Ms. Pettignano in the amount of Ms. Pettignano's actual damages and any profits of Defendants attributable to the infringing acts alleged herein, or, at her election, an award of statutory damages.
- B. An order entering judgment in favor of Ms. Pettignano and enjoining any further acts of infringement of Ms. Pettignano's copyrights and further ordering the destruction of all articles used (such as master disks or data models) in the acts of infringement, consistent with remedies available under 17 U.S.C. § 503.
- C. An award of full costs and reasonable attorney's fees against Defendants and in favor of Ms. Pettignano pursuant to 17 U.S.C. § 505.
- D. Such other further relief the Court may deem just and proper.

JURY DEMAND

Ms. Pettignano demands a trial by jury on all issues presented in this Complaint.

Dated: January 13, 2014

Respectfully submitted,

/s/ John Whitaker
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